

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	§	Confirmation No.:	2316
J. Rodney Walton, <i>et al.</i>	§		
	§	Group Art Unit:	2419
Serial No.:	§		
10/693,532	§	Examiner:	Saba Tsegaye
Filed: October 23, 2003	§		
	§		
For: RANDOM ACCESS FOR WIRELESS	§		
MULTIPLE-ACCESS	§		
COMMUNICATION SYSTEMS	§		

MAIL STOP: APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPEAL BRIEF

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2419 dated August 5, 2009, finally rejecting claims 1, 3-16, 39-40, 42-77 and 79-99. The final rejection of claims 1, 3-16, 39-40, 42-77 and 79-99 is appealed. This Appeal Brief is believed to be timely since it is transmitted by the due date of January 25, 2010, as set by the filing of a Notice of Appeal on November 25, 2009.

The Commissioner is authorized to charge Deposit Account No. 17-0026 for the requisite Appeal Brief fee of \$540.00 as set by 37 C.F.R. 41.20(b)(2).

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Real Party in Interest

The present application has been assigned to QUALCOMM Incorporated, in San Diego, California.

Related Appeals and Interferences

Applicants assert that no other appeals or interferences are known to the Applicants, the Applicants' legal representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1, 3-16, 39-40, 42-77 and 79-99 are pending in the application. Claims 1-41 were originally presented in the application. Claims 42-99 have been added during prosecution. Claims 2, 15-16, 17-38, 41 and 78 have been canceled without prejudice. Claims 1, 3-16, 39-40, 42-77 and 79-99 stand finally rejected as discussed below. The final rejections of claims 1, 3-16, 39-40, 42-77 and 79-99 are appealed. The pending claims are shown in the attached Claims Appendix.

Status of Amendments

All claim amendments prior to the Final office Action have been entered by the Examiner. Proposed amendments to the claims after the final rejection were not entered.

Summary of Claimed Subject Matter

The inventions claimed herein generally provide apparatus and methods for transmitting and receiving data in an orthogonal frequency division multiplexing (OFDM) communication system (FIG. 1 and paragraphs [0027]-[0031]).

A. CLAIM 1 – INDEPENDENT

The inventions claimed in independent claim 1 recite a method of accessing a wireless multiple-access communication system, comprising receiving at least one broadcast message including information regarding configuration of at least two contention-based random access channels for a frame (e.g., paragraph [0034]), determining a current operating state of a terminal, selecting one contention-based random access channel from among at least two contention-based random access channels based on the current operating state (e.g., paragraph [0038]), and transmitting a message on the selected random access channel to access the system during the frame, wherein the at least two contention-based random access channels comprise a first random access channel used by registered terminals for system access and a second random access channel used by registered and unregistered terminals for system access(e.g., paragraph [0038]).

B. CLAIM 15 - INDEPENDENT

The inventions claimed in independent claim 15 recite a method of accessing a wireless multiple-access multiple-input multiple-output (MIMO) communication system, comprising determining whether a terminal is registered or unregistered with the system, if the terminal is registered, transmitting a first message via a MIMO transmission scheme on a first contention-based random access channel to access the system, and if the terminal is unregistered, transmitting a second contention-based message via a MIMO transmission scheme with a

different format than the first message on a second random access channel to access the system (see, e.g., paragraph [0038]).

C. CLAIM 39 – INDEPENDENT

The inventions claimed in independent claim 39 recite a terminal in a wireless multiple-access communication system, comprising means for determining a current operating state of the terminal, means for transmitting messages to the system via a MIMO transmission scheme, wherein the means for transmitting messages is configured to transmit a first message on a first contention-based random access channel to access the system when the terminal is in a first operating state and to transmit a second message on a second contention-based random access channel to access the system when the terminal is in a second operating state (e.g., paragraph [0038]), and the second message has a different format than the first message (see, e.g., paragraph [0047]).

D. CLAIM 40 – INDEPENDENT

The inventions claimed in independent claim 40 recite an apparatus in a wireless multiple-access communication system, comprising means for determining a current operating state of the apparatus, means for selecting one contention-based random access channel from among at least two random access channels based on the current operating state (e.g., paragraph [0038]), wherein the at least two random access channels use different message formats (see, e.g., paragraph [0047]), and means for transmitting a message via a MIMO transmission scheme on the selected contention-based random access channel to access the system.

Grounds of Rejection to Be Reviewed on Appeal

1. Rejection of claims 1, 3-11, 42-43 and 48-54 under 35 U.S.C. § 102(e) as being anticipated by *Myles et al.* (U.S. Patent No. 6,879,579, hereinafter, “*Myles*”).
2. Rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Myles* in view of *du Crest et al.* (U.S. Publication 2004/0047292, hereinafter, “*du Crest*”).
3. Rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over *Myles* in view of *Caldwell* (U.S. Publication 2002/0122393).
4. Rejection of claims 14 and 44-47 under 35 U.S.C. § 103(a) as being unpatentable over *Myles* in view of *Fukuda* (U.S. Patent No. 6,956,813).
5. Rejection of claims 15-16, 39-40, 55-58, 62-66, 68-69, 71-73, 79-83, 87-88, 90-92 and 97-99 under 35 U.S.C. § 103(a) as being unpatentable over *Chang et al.* U.S. Patent No. 6,532,225, hereinafter, “*Chang*”) in view of *Ma et al.* (U.S. Patent No. 7,551,546, hereinafter, “*Ma*”).
6. Rejection of claims 59-61, 74-77 and 93-96 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *Fukuda*.
7. Rejection of claims 67, 84 and 86 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *Lee et al.* (U.S. Patent No. 7,453,844, hereinafter, “*Lee*”).
8. Rejection of claims 70 and 89 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *du Crest*.
9. Rejection of claim 85 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *Hount* (U.S. Patent No. 6,868,079).

ARGUMENTS

1. Rejection of claims 1, 3-11, 42-43 and 48-54 under 35 U.S.C. § 102(b) as being anticipated by *Myles*.

The Applicable Law

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Reference

Myles teaches registration channels for use by unregistered terminals and data channels (Table 1A, row "chan_id") for use by registered terminals. *Myles* also teaches that unregistered mobile stations cannot use data channels and must wait for a hub to issue a registration slot to register (Figure 11b, column 12 line 64 to column 13 line 3). *Myles* further teaches any (registered) mobile stations with queued data units can contend for access to a data channel with the empty state (column 11 lines 7-9)

The Examiner's Argument

The Examiner refers to a channel in the "empty-state" as corresponding to the "second random access channel used by either registered or unregistered terminals for system access" as recited in claim 1.

Applicants' Response to the Examiner's Argument

Applicants respectfully submit, however, that a channel in the "empty-state" only allows

use by *registered* terminals that have data queued and the empty-state is not applied to registration channels. In column 4, line 45 cited by the Examiner as teaching “any mobile station can have access” Applicants respectfully submit that, however, that this reference is to data channels only accessible by registered mobile stations. Mobile stations that are not registered, must first register using registration channels, as described in

... Unregistered mobile stations use a modified ALOHA protocol to deliver *registration requests* to the hub station. These requests include the station's unique MAC address, called the station-id. This is included in the registration confirmation response from the hub station to avoid ‘capture’ related problems

Unregistered stations do not use data channels and the teaching referred to by the Examiner is that a *data channel* in an empty state may be used by *any registered station*, but not by an unregistered stations (which must first register).

In responding to Applicants' arguments submitted during prosecution, the Examiner states that "Myles clearly discloses that registered terminals use on type of access channel (reserved or owner), while unregistered terminals use another type of access channel (empty). Applicants respectfully submit, however, that the Examiner has confused channel states with different channels. As described above, while any *registered* terminal may use *data channels* in an empty state, an unregistered terminal must register first, using a *registration channel*.

For at least these reasons, Applicants submit claims 1, 3-11, 42-43 and 48-54 are allowable and respectfully request withdrawal of this rejection.

2. Rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Myles in view of *du Crest*.

The Applicable Law

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the

factual inquiries of *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Applicants' Response to the Examiner's Argument

Claim 12 depends, directly or indirectly from claim 1, which Applicants submit is allowable for at least reasons discussed above. Accordingly, Applicants submit this claim is also allowable and request withdrawal of this rejection.

3. Rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Myles in view of *Caldwell*.

Applicants' Response to the Examiner's Argument

Claim 13 depends, directly or indirectly from claim 1, which Applicants submit is allowable for at least reasons discussed above. Accordingly, Applicants submit this claim is also allowable and request withdrawal of this rejection.

4. Rejection of claims 14 and 44-47 under 35 U.S.C. § 103(a) as being unpatentable over Myles in view of *Fukuda*.

Applicants' Response to the Examiner's Argument

These claims depend, directly or indirectly from claim 1, which Applicants submit is

allowable for at least reasons discussed above. Accordingly, Applicants submit these claims are also allowable and request withdrawal of this rejection.

5. Rejection of claims 15-16, 39-40, 55-58, 62-66, 68-69, 71-73, 79-83, 87-88, 90-92 and 97-99 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*.

The Reference

Chang teaches different types of channels with different message formats. *Ma* teaches a MIMO system.

The Examiner's Argument

The Examiner relies on *Chang* as teaching different types of channels with different message formats, but concedes that *Chang* fails to teach a MIMO system, as recited in claim 15. The Examiner, however, refers to *Ma* as teaching a MIMO system and concludes that it would have been obvious to one of ordinary skill in the art "to add MIMO communication system, such as suggested by *Ma*, in the system of *Chang*."

Applicants' Response to the Examiner's Argument

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a *prima facie* case of obviousness has not been established.

Applicants respectfully submit, however, that there is no motivation for this teaching and, even if combined, the resulting combination would fail to teach all the elements of the claims.

Neither *Ma* nor *Chang* teach or suggest any reason or need to combine the teachings of the separate references. *Chang* does not describe any problem that might cause one to look to the teachings of *Ma* to utilize MIMO. Similarly, *Ma* does not describe any problem that might cause one to look to the teachings of *Chang* to utilize contention-based access.

As *Ma* is absolutely silent regarding contention-based access and does not use the term "contention" at all, even if the teachings were combined, the resultant combination would not result in first and second contention-based messages with different formats, via a MIMO transmission scheme, with the type of message selected depending on whether the terminal is registered or unregistered, as recited in claim 15.

For at least these reasons, Applicants submit claim 15 is allowable. Claims 39 and 40 recite similar elements as claim 15 that are not taught in the cited references. For at least these reasons, Applicants submit claims 15, 39, and 40, as well as their dependents are allowable and request withdrawal of this rejection.

6. Rejection of claims 59-61, 74-77 and 93-96 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *Fukuda*.

These claims depend, directly or indirectly from claims 15, 39, or 40, which Applicants submit are allowable for at least reasons discussed above. Accordingly, Applicants submit these claims are also allowable and request withdrawal of this rejection.

7. Rejection of claims 67, 84 and 86 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *Lee*.

These claims depend, directly or indirectly from claims 15, 39, or 40, which Applicants submit are allowable for at least reasons discussed above. Accordingly, Applicants submit these claims are also allowable and request withdrawal of this rejection.

8. Rejection of claims 70 and 89 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *du Crest*.

These claims depend, directly or indirectly from claims 39 or 40, which Applicants submit are allowable for at least reasons discussed above. Accordingly, Applicants submit these claims are also allowable and request withdrawal of this rejection.

9. Rejection of claim 85 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* in view of *Ma*, and further in view of *Hount*.

This claim depends from claim 40, which Applicants submit are allowable for at least reasons discussed above. Accordingly, Applicants submit these claims are also allowable and request withdrawal of this rejection.

CONCLUSION

The Examiner errs in finding that:

1. Claims 1, 3-11, 42-43 and 48-54 are anticipated by *Myles*;
2. Claim 12 is unpatentable over *Myles* in view of *du Crest*;
3. Claim 13 is unpatentable over *Myles* in view of *Caldwell*;
4. Claims 14 and 44-47 are unpatentable over *Myles* in view of *Fukuda*;
5. Claims 15-16, 39-40, 55-58, 62-66, 68-69, 71-73, 79-83, 87-88, 90-92 and 97-99 are unpatentable over *Chang* in view of *Ma*;
6. Claims 59-61, 74-77 and 93-96 are unpatentable over *Chang* in view of *Ma*, and further in view of *Fukuda*;
7. Claims 67, 84 and 86 are unpatentable over *Chang* in view of *Ma*, and further in view of *Lee*;
8. Claims 70 and 89 are unpatentable over *Chang* in view of *Ma*, and further in view of *du Crest*; and
9. Claim 85 is unpatentable over *Chang* in view of *Ma*, and further in view of *Hount*.

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted,
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CLAIMS APPENDIX

1. (Previously Presented) A method of accessing a wireless multiple-access communication system, comprising:
 - receiving at least one broadcast message including information regarding configuration of at least two contention-based random access channels for a frame;
 - determining a current operating state of a terminal;
 - selecting one contention-based random access channel from among at least two contention-based random access channels based on the current operating state; and
 - transmitting a message on the selected random access channel to access the system during the frame,wherein the at least two contention-based random access channels comprise a first random access channel used by registered terminals for system access and a second random access channel used by registered and unregistered terminals for system access.
2. (Canceled)
3. (Previously Presented) The method of claim 1, wherein transmissions on the first random access channel are compensated for propagation delay.
4. (Original) The method of claim 1, wherein the current operating state is indicative of whether or not the terminal has registered with the system.
5. (Original) The method of claim 1, wherein the current operating state is indicative of whether or not the terminal can compensate for propagation delay to an access point receiving the message.
6. (Original) The method of claim 1, wherein the current operating state is indicative of whether or not a particular received signal-to-noise ratio (SNR) is achieved for the terminal.
7. (Previously Presented) The method of claim 1, further comprising:

retransmitting the message until an acknowledgement is received for the message or a maximum number of access attempts has been exceeded.

8. (Original) The method of claim 1, further comprising:
if access is not gained via the selected random access channel, transmitting another message on another random access channel selected from among the at least two random access channels.
9. (Previously Presented) The method of claim 1, wherein the transmitting comprises:
selecting a slot from among a plurality of slots available for the selected random access channel; and
transmitting the message in the selected slot.
10. (Original) The method of claim 1, wherein the message includes an identifier for the terminal.
11. (Original) The method of claim 10, wherein the identifier is unique to the terminal.
12. (Original) The method of claim 10, wherein the identifier is a common identifier used by unregistered terminals.
13. (Original) The method of claim 1, wherein the multiple-access communication system supports terminals with single antenna and terminals with multiple antennas.
14. (Original) The method of claim 1, wherein the multiple-access communication system uses orthogonal frequency division multiplexing (OFDM).
15. (Previously Presented) A method of accessing a wireless multiple-access multiple-input multiple-output (MIMO) communication system, comprising:
determining whether a terminal is registered or unregistered with the system;
if the terminal is registered, transmitting a first message via a MIMO transmission scheme on a first contention-based random access channel to access the system; and

if the terminal is unregistered, transmitting a second contention-based message via a MIMO transmission scheme with a different format than the first message on a second random access channel to access the system.

16. (Original) The method of claim 15, wherein the first message is transmitted in a manner to account for propagation delay to an access point receiving the first message.

17-38. (Canceled)

39. (Previously Presented) A terminal in a wireless multiple-access communication system, comprising:

means for determining a current operating state of the terminal;

means for transmitting messages to the system via a MIMO transmission scheme, wherein the means for transmitting messages is configured to transmit a first message on a first contention-based random access channel to access the system when the terminal is in a first operating state and to transmit a second message on a second contention-based random access channel to access the system when the terminal is in a second operating state, and the second message has a different format than the first message.

40. (Previously Presented) An apparatus in a wireless multiple-access communication system, comprising:

means for determining a current operating state of the apparatus;

means for selecting one contention-based random access channel from among at least two random access channels based on the current operating state, wherein the at least two random access channels use different message formats; and

means for transmitting a message via a MIMO transmission scheme on the selected contention-based random access channel to access the system.

41. (Canceled)

42. (Previously Presented) The method of claim 1, wherein receiving the at least one broadcast message comprises receiving at least two broadcast messages each associated with a different one of the at least two random access channels.

43. (Previously Presented) The method of claim 1, further comprising determining a slot to transmit the message on the one contention-based random access channel based upon a slot assigned to the at least one contention-based random access channel in the at least one broadcast message and wherein transmitting comprises transmitting the message in the slot of the frame.
44. (Previously Presented) The method of claim 1, wherein transmitting the message comprises transmitting the message on a set of subbands of a plurality of subbands of the one contention-based random access channel.
45. (Previously Presented) The method of claim 1, wherein the message transmitted on the one contention-based random access channel comprises one OFDM symbol.
46. (Previously Presented) The method of claim 1, wherein the message transmitted on the one contention-based random access channel comprises four OFDM symbols.
47. (Previously Presented) The method of claim 1, wherein the message transmitted on the one contention-based random access channel comprises two OFDM symbols.
48. (Previously Presented) The method of claim 1, wherein determining the current operating state of a terminal comprises determining if the terminal is scheduled and the method further comprising utilizing a data channel, and not selecting one contention-based random access channel, for transmission.
49. (Previously Presented) The method of claim 1, wherein the second contention-based random access channel of the at least two contention-based random access channels corresponds to a contention-based random access channel used by a terminal after acquiring system frequency, wherein determining comprises determining whether the terminal has acquired the system frequency, and wherein selecting comprises selecting the second contention-based random access channel as the one contention-based random access channel when the terminal has acquire the system frequency and is not registered.

50. (Previously Presented) The method of claim 1, wherein transmitting the message comprises transmitting a different message format on each of the at least two contention-based random access channels.
51. (Previously Presented) The method of claim 1, further comprising receiving an assignment responsive to the message from a base station.
52. (Previously Presented) The method of claim 51, wherein receiving the assignment comprises receiving an acknowledgement in a message including the assignment.
53. (Previously Presented) The method of claim 51, further comprising determining scheduling information of the assignment for a channel distinct from the at least two contention-based random access channels.
54. (Previously Presented) The method of claim 1, wherein:
determining comprises determining whether the terminal is not registered with the system;
selecting comprises selecting the second contention-based random access channel to register with system, if the terminal is unregistered; and
transmitting comprises transmitting the message as a request to register with the system.
55. (Previously Presented) The method of claim 15, further comprising receiving information corresponding to parameters conveying configuration information for the first contention-based random access channel.
56. (Previously Presented) The method of claim 55, wherein the information is received via a first broadcast message.
57. (Previously Presented) The method of claim 56, further comprising receiving information corresponding to parameters conveying configuration information for the second contention-based random access channel in a second broadcast message different than the first broadcast message.

58. (Previously Presented) The method of claim 55, further comprising determining a slot to transmit the message on the first contention-based random access channel based upon the parameters and wherein transmitting comprises transmitting the first message in the slot.
59. (Previously Presented) The method of claim 15, wherein the second message comprises one OFDM symbol.
60. (Previously Presented) The method of claim 15, wherein the first message comprises four OFDM symbols.
61. (Previously Presented) The method of claim 15, wherein the first message comprises two OFDM symbols.
62. (Previously Presented) The method of claim 15, further comprising receiving an assignment responsive to the message from a base station.
63. (Previously Presented) The method of claim 62, wherein receiving the assignment comprises receiving an acknowledgement in a message including the assignment.
64. (Previously Presented) The method of claim 62, further comprising determining scheduling information of the assignment for a channel distinct from the at least two contention-based random access channels.
65. (Previously Presented) The terminal of claim 39, wherein the means for determining the current operating state is operative to determine the current operating state based upon whether or not the terminal has registered with the system.
66. (Previously Presented) The terminal of claim 39, wherein the means for determining the current operating state is operative to determine the current operating state based upon whether or not the terminal can compensate for propagation delay to an access point receiving messages sent by the terminal.

67. (Previously Presented) The terminal of claim 39, wherein the means for determining the current operating state is operative to determine the current operating state based upon whether or not the terminal achieves a required received signal-to-noise ratio (SNR).

68. (Previously Presented) The terminal of claim 39, wherein the means for transmitting messages is operative to process the messages to include an identifier for the terminal.

69. (Previously Presented) The terminal of claim 68, wherein the identifier is unique to the terminal.

70. (Previously Presented) The terminal of claim 68, wherein the identifier is a common identifier used by unregistered terminals.

71. (Previously Presented) The terminal of claim 39, further comprising means for processing received information corresponding to parameters conveying configuration information for at least the first and second contention-based random access channels.

72. (Previously Presented) The terminal of claim 71, wherein the information is received via a broadcast message.

73. (Previously Presented) The terminal of claim 71, wherein information for each of at least the first and second contention-based random access channels is received in different broadcast messages.

74. (Previously Presented) The terminal of claim 39, wherein the means for transmitting messages is operative to process the messages for transmission on a set of subbands of a plurality of subbands of the first or second contention-based random access channel.

75. (Previously Presented) The terminal of claim 39, wherein the means for transmitting messages is operative to process the messages to comprise one OFDM symbol.

76. (Previously Presented) The terminal of claim 39, wherein the means for transmitting messages is operative to process the messages to comprise four OFDM symbol.

77. (Previously Presented) The terminal of claim 39, wherein the means for transmitting messages is operative to process the messages to comprise two OFDM symbol.
78. (Canceled)
79. (Previously Presented) The terminal of claim 39, further comprising means for processing an acknowledgement in a message including the assignment.
80. (Previously Presented) The terminal of claim 79, wherein the assignment comprises information for utilizing at least the first and second contention-based random access channels and a forward link data channel.
81. (Previously Presented) The terminal of claim 79, wherein the assignment comprises information for utilizing at least the first and second contention-based random access channels and a reverse link data channel.
82. (Previously Presented) The apparatus of claim 40, wherein the means for determining the current operating state comprises means for determining the operating state based upon whether or not the apparatus has registered with the system.
83. (Previously Presented) The apparatus of claim 40, wherein the means for determining the current operating state comprises means for determining the operating state based upon whether or not the apparatus can compensate for propagation delay to an access point receiving the message.
84. (Previously Presented) The apparatus of claim 40, wherein the means for determining the current operating state comprises means for determining the operating state based upon whether or not the apparatus achieves a required received signal-to-noise ratio (SNR).
85. (Previously Presented) The apparatus of claim 40, wherein the means for transmitting is configured to retransmit the message until an acknowledgement is received for the message or a maximum number of access attempts has been exceeded.

86. (Previously Presented) The apparatus of claim 40, wherein the means for selecting comprises means for, if access is not gained via the selected random access channel, selecting another random access channel selected from among the at least two random access channels.

87. (Previously Presented) The apparatus of claim 40, wherein the means for transmitting comprises means for transmitting the message to include an identifier for the apparatus.

88. (Previously Presented) The apparatus of claim 85, wherein the identifier is unique to the apparatus.

89. (Previously Presented) The apparatus of claim 87, wherein the identifier is a common identifier used by unregistered apparatus.

90. (Previously Presented) The apparatus of claim 40, further comprising means for processing received information corresponding to parameters conveying configuration information for the at least two contention-based random access channels.

91. (Previously Presented) The apparatus of claim 90, wherein the information is received via a broadcast message.

92. (Previously Presented) The apparatus of claim 91, wherein information for each of the at least two contention-based random access channels is received in different broadcast messages.

93. (Previously Presented) The apparatus of claim 40, wherein means for transmitting comprises means for transmitting for the message on a set of subbands of a plurality of subbands of the one contention-based random access channel.

94. (Previously Presented) The apparatus of claim 40, wherein means for transmitting comprises means for transmitting for the message on one OFDM symbol.

95. (Previously Presented) The apparatus of claim 40, wherein means for transmitting comprises means for transmitting for the message on four OFDM symbols.

96. (Previously Presented) The apparatus of claim 40, wherein means for transmitting comprises means for transmitting for the message on two OFDM symbols.

97. (Previously Presented) The apparatus of claim 40, further comprising means for receiving an assignment responsive to the message from a base station.

98. (Previously Presented) The apparatus of claim 97, wherein the means for receiving the assignment comprises means for receiving an acknowledgement in a message including the assignment.

99. (Previously Presented) The apparatus of claim 97, further comprising means for determining scheduling information of the assignment for a data channel distinct from the at least two contention-based random access channels.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.